

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

DEXTER ANDERSON,

Case No. 18-CV-2891-SRN-KMM

Plaintiff,

v.

**REPORT AND
RECOMMENDATION**

M. RIOS, Warden, et al.,

Defendant.

In an order dated January 8, 2019, this Court ordered plaintiff Dexter Anderson to submit an amended pleading and pay an initial partial filing fee of \$147.25 by no later than February 8, 2019, failing which it would be recommended that this matter be dismissed without prejudice for failure to prosecute. *See* ECF No. 21 (citing 28 U.S.C. § 1915(b); Fed. R. Civ. P. 41(b)). That deadline has now passed, and Mr. Anderson has neither submitted an amended pleading nor paid the required initial partial filing fee. In fact, Mr. Anderson has not communicated with the Court about this case at all since commencing this Court's January 8 order. Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a

plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED that this action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Date: February 20, 2019

s/Katherine Menendez

Katherine Menendez

United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).